

Regular Session, 2014

SENATE BILL NO. 347

BY SENATOR RISER

CONTRACTORS. Provides criminal penalties when a contractor defrauds a consumer based on a solar electric system or a solar thermal system contract. (gov sig)

1 AN ACT

2 To enact R.S. 14:202.2, relative to criminal offenses against property; to create the crime of
3 fraud by contractors who install solar electric systems or solar thermal systems; to
4 provide for criminal penalties; to provide for definitions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:202.2 is hereby enacted to read as follows:

8 **§202.2. Fraud by contractors who install solar electric systems and solar**
9 **thermal systems**

10 **A. It shall be unlawful for any person who contracts for the sale,**
11 **installation, maintenance, or repair of a solar electric system or solar thermal**
12 **system, as defined in R.S. 47:6030(C), to do either of the following:**

13 **(1) Make any misrepresentation of a material fact to defraud a**
14 **consumer through the failure to perform or complete the installation of the**
15 **system or fail to maintain or repair the system under the terms of the contract.**

16 **(2) Make any misrepresentation of a material fact to defraud a**
17 **consumer through the failure to maintain or repair the system under the terms**

1 **of the contract subsequent to the installation.**

2 **B. Whoever violates the provisions of this Section shall be fined not less**
 3 **than one hundred dollars nor more than five hundred dollars, or imprisoned for**
 4 **not less than ninety days nor more than six months, or both.**

5 **C. Nothing contained in this Section shall be construed to prevent the**
 6 **state, through the attorney general, from asserting a cause of action to recover**
 7 **damages or penalties, or assess or collect a penalty, resulting from a violation**
 8 **of this Section.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Riser (SB 347)

Proposed law provides that it shall be unlawful for any person who contracts for the sale, installation, maintenance, or repair of a solar electric system or solar thermal system to do either of the following:

- (1) To make any misrepresentation of a material fact to defraud a consumer through the failure to perform or complete the installation of the system or fail to maintain or repair the system under the terms of the contract.
- (2) To make any misrepresentation of a material fact to defraud a consumer through the failure to maintain or repair the system under the terms of the contract subsequent to the installation.

Proposed law provides that whoever violates the provisions of proposed law shall be fined not less than \$100 nor more than \$500, or imprisoned for not less than 90 days nor more than three years, or both.

Proposed law shall not be construed to prevent the state, through the attorney general, from asserting a cause of action to recover damages or penalties, or assess or collect a penalty, resulting from a violation of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:202.2)